

United States District Court

SEP 25 2017

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Rafael Jacob Perez

PRINCIPAL

Case Number:

YOB:

1995

M-17-1716 -M

United States

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 23, 2017 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact Julio Raul Morales-Hernandez, a citizen and national of Guatemala and Miguel Angel Evangelista-Gonzalez, citizen and national of Mexico, along with six (6) other undocumented aliens, for a total of eight (8), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Mission, Texas to the point of arrest near Mission, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On September 23, 2017, the McAllen Border Patrol Station received a call from Mission Police Department requesting assistance from Border Patrol Agents in regards to a possible alien smuggling attempt at the Anzalduas Park in Mission, Texas. Agents made contact with a Mission Police Officer and the officer stated he was driving near the Park entrance when he noticed several individuals run from a brushy area and board a white Sports Utility Vehicle (SUV) near the Rio Grande River. The officer approached the white SUV and noticed that there were additional subjects behind the white SUV still attempting to enter while the vehicle was in motion.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

[Signature]
Signature of Complainant

Salvador Mendez Senior Patrol Agent
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

September 25, 2017
Date

8:55 am

at McAllen, Texas
City and State

Peter E. Ormsby U. S. Magistrate Judge
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

Approved by David A. Lindemork
[Signature] 9/25/17

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-17- 1716 -M

RE: Rafael Jacob Perez

CONTINUATION:

As the officer approached the white SUV, several subjects exited the vehicle and attempted to abscond. The officer ordered the subjects to stop. A total of nine subjects were detained by the officer, including the driver, later identified as Jacob Rafael PEREZ. Border Patrol Agents arrived on scene and interviewed all nine subjects. PEREZ was questioned as to his citizenship and claimed to be a United States citizen. The other eight subjects were questioned as to their citizenship and all claimed to be illegally present in the United States.

All subjects were transported to the Centralized Processing Center in McAllen, Texas for processing.

PRINCIPAL

Jacob Rafael Perez was read his Miranda Rights and agreed to provide a statement without an attorney present.

Perez stated he borrowed and was driving his girlfriend's Nissan Murano when he was encountered by Mission Police Department at the Anzalduas Park in Mission, Texas. PEREZ was questioned if his girlfriend had knowledge about his smuggling attempt to which he replied "No". PEREZ stated he was at the Anzalduas Park helping a friend pick up her cousin and friends. PEREZ claimed his friend was instructing him over the phone where to go and told him to make a U-turn at the entrance of the park. PEREZ stated several people jumped into his vehicle and then Mission PD arrived.

MATERIAL WITNESS

Julio Raul MORALES-Hernandez, a citizen of Guatemala, was read his Miranda Rights and agreed to provide a statement without an attorney present.

MORALES stated his friend made his smuggling arrangements and was to pay an unknown dollar amount to be smuggled to Atlanta, Georgia. MORALES stated he crossed the Rio Grande River with several other individuals by raft on September 23, 2017. Once in the United States, MORALES stated he walked for about 30 minutes and a white car was already waiting for them at the pickup location. MORALES stated as he tried to get into the car, the police showed up. MORALES stated the driver knew they were illegal aliens because everyone ran from his vehicle.

MORALES was shown a photo lineup and was able to identify PEREZ as the driver of the car.

MATERIAL WITNESS

Miguel Angel EVANGELISTA-Gonzalez, a citizen of Mexico, was read his Miranda Rights and agreed to provide a statement without an attorney present.

EVANGELISTA stated he made his smuggling arrangements with an unknown smuggler and was to pay 1,000 USD to be smuggled to the United States. EVANGELISTA stated he crossed the Rio Grande River with several other individuals by raft on September 23, 2017. Once in the United States, MORALES stated the smuggler instructed him to follow a trail. EVANGELISTA stated he followed the group and got into the backseat of a white car and shortly after the police stopped them. EVANGELISTA stated PEREZ knew they were illegal aliens because they ran into his car and hid.

EVANGELISTA was shown a photo lineup and was able to identify PEREZ as the driver of the car.